

## Assisting health care providers

The attorneys in Hodgson Russ's Health Law Practice Group counsel hospitals, nursing homes, home health agencies, hospices, clinics, ambulatory surgery centers, behavioral health providers, disability service providers, and licensed professionals. The group represents more than 75 nonprofit, public, and for-profit health care organizations, including some of the largest hospital systems in New York State.

Hodgson Russ attorneys have over 20 years of experience in Medicare and Medicaid reimbursement matters, with a successful track record of winning Medicare and Medicaid appeals. We have attorneys with significant experience in health care fraud and false claims litigation, several of whom worked in the U.S. Attorneys' Office.

Our goal is to provide high-quality legal services to help our clients anticipate and respond to the many changes in the delivery, financing, and regulation of health care services. We can provide clients with the full spectrum of legal advice needed to handle any issue that may arise in this complex and highly regulated field, or we can assist clients' current counsel on a more limited basis by sharing our experience in specific areas, such as reimbursement, regulatory, and compliance matters.

## Hodgson Russ services and areas of expertise include:

### Reimbursement matters

- ▶ Represent providers in Medicare and Medicaid audits and rate appeals, including PRRB appeals
- ▶ Advise on compliance with provider-based rules
- ▶ Analyze reimbursement consequences of alternative structures
- ▶ Represent providers in state and federal regulatory, legislative, and budget negotiations

## Corporate compliance

- ▶ Advise on anti-kickback and self-referral ("Stark") issues
- ▶ Structure compliance plans
- ▶ Advise on self-disclosure issues
- ▶ Represent providers in government investigations (civil and criminal), including false claims actions
- ▶ Negotiate corporate integrity and other settlement agreements
- ▶ Advise on HIPAA and state confidentiality law compliance

## Managed care

- ▶ Negotiate contracts with health maintenance organizations (HMOs) and other third-party payors
- ▶ Enforce provider and subscriber contracts through litigation or arbitration
- ▶ Structure managed care organizations (MCOs) such as prepaid health services plans (PHSPs), special needs plans (SNPs), preferred provider organizations (PPOs), and independent practice associations (IPAs)

## Provider networks

- ▶ Structure mergers, acquisitions, and reorganizations
- ▶ Develop legal structures for multiprovider networks
- ▶ Structure management service organizations (MSOs) and group purchasing organizations
- ▶ Negotiate joint venture and joint operating agreements
- ▶ Provide advice on antitrust, corporate, regulatory, and tax issues

## Legislation and rulemaking

- ▶ Draft health care legislation and regulations
- ▶ Provide services as registered New York State lobbyists

## Service expansion, financing, and certificates of need

- ▶ Advise on certificate of need applications
- ▶ Structure financing through the Dormitory Authority, HUD, financial institutions, and local IDAs
- ▶ Oppose "not-in-my-backyard" litigation
- ▶ Enroll providers in Medicare and Medicaid programs

## Antitrust

- ▶ Advise on antitrust issues in mergers and acquisitions, including on Hart-Scott-Rodino pre-merger filings
- ▶ Advise on structuring joint ventures and multiprovider networks
- ▶ Counsel on antitrust issues relating to exclusion from networks and denial of contracts or privileges

## Tax matters

- ▶ Obtain and preserve federal and state tax exempt status
- ▶ Advise on intermediate sanctions issues
- ▶ Analyze tax consequences of asset transfers, unrelated business income taxation issues, and other tax matters

## Bankruptcy/creditors' rights

- ▶ Provide all services in connection with Chapter 11 reorganization
- ▶ Advise on Medicare/Medicaid reimbursement issues during reorganization
- ▶ Counsel on sale of assets and licensing of reorganized providers
- ▶ Advise on creditors' rights in health plan insolvency

## Immigration

- ▶ Obtain work permits for foreign professionals
- ▶ Obtain permanent residency status for foreign physicians

## Physician relations

- ▶ Advise on physician recruitment
- ▶ Prepare contracts to comply with fraud and abuse, IRS, and other guidelines
- ▶ Structure physician integration strategies, such as "friendly" or "captive" PCs
- ▶ Negotiate buying and selling of physician practices
- ▶ Advise on medical staff privilege issues, disciplinary proceedings, and reporting obligations

## Employment and benefits matters

- ▶ Structure employee benefit and pension plans
- ▶ Establish self-funded welfare benefit plans and flexible spending accounts ("cafeteria plans")
- ▶ Administer defined contribution plans
- ▶ Devise executive compensation arrangements
- ▶ Assist in NLRB election campaigns and unfair labor practice proceedings
- ▶ Negotiate collective bargaining agreements
- ▶ Handle grievance proceedings and arbitrations
- ▶ Advise on wage and hour law compliance
- ▶ Counsel on discrimination issues (e.g., Americans with Disabilities Act, sexual harassment), Family and Medical Leave Act, and other employment law issues

## Intellectual property

- ▶ Prepare and review software and other technology licenses
- ▶ Draft and negotiate trade secret and transfer agreements
- ▶ Prepare, file, and prosecute domestic and international patent, trademark, and copyright applications
- ▶ Negotiate medical device and biotechnology licenses
- ▶ Advise on electronic commerce and Internet issues

For information about the health law services available at Hodgson Russ, please contact a member of the practice group:

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*Practice restricted to U.S. law*